

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL : MDL NO. 1456  
INDUSTRY AVERAGE : CIVIL ACTION  
WHOLESALE PRICE : 01-CV-12257-PBS  
LITIGATION : Judge Patti B. Saris

-----X Chief Magistrate

THIS DOCUMENT RELATES TO : Judge Marianne B.

ALL CASES IN MDL NO. 1456 : Bowler

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DEPOSITION OF CORINNA CONNICK

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Tuesday, March 24, 2009

10:06 o'clock a.m.

Webster & Dubyak

1220 West 6th Street, Suite 600

Cleveland, Ohio 44113

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ANN FORD

REGISTERED PROFESSIONAL REPORTER

<p style="text-align: right;">Page 62</p> <p>1 MR. COCHRAN: Okay.</p> <p>2 THE WITNESS: I'm not sure.</p> <p>3 BY MS. FOUNTAIN CONNOLLY:</p> <p>4 Q. You have, if you turn to Page 6 of your</p> <p>5 objection, the last sentence of the partial first</p> <p>6 paragraph, so above, "The Court should require the</p> <p>7 parties," it says, "The suspect allocation of the</p> <p>8 settlement fund between consumers and</p> <p>9 institutional plaintiffs in this case is</p> <p>10 compounded by the difficulty of filing a consumer</p> <p>11 claim form." And I'll represent that the sentence</p> <p>12 goes on, but I'm going to stop there.</p> <p>13 What do you believe to be difficult</p> <p>14 about filling out the consumer claim form in this</p> <p>15 case?</p> <p>16 A. Well, I feel that there's a lot of</p> <p>17 people that don't even know this is going on.</p> <p>18 They may never find out this is going on. And</p> <p>19 there are older people, there are people who are</p> <p>20 mentally not capable of filling out the form, but</p> <p>21 yet they are entitled to receive their benefits.</p> <p>22 And if there's an easier way out there</p>	<p style="text-align: right;">Page 64</p> <p>1 with, "There is only one problem, Class Counsel</p> <p>2 does not represent the ISHPs, who will receive</p> <p>3 51.8 million of the \$125 million total, and,</p> <p>4 therefore, there is no basis for Class Counsel to</p> <p>5 request any portion of that 51.8 million under the</p> <p>6 common benefit doctrine."</p> <p>7 I just wanted to clarify that that is</p> <p>8 actually your position, that there is no basis for</p> <p>9 class counsel to request any portion of those</p> <p>10 funds; is that the case?</p> <p>11 A. I don't think they should get 30 percent</p> <p>12 of the 51 or the 52 million. That seems awfully</p> <p>13 high for a group that has their own attorneys and</p> <p>14 who were charged by their attorneys.</p> <p>15 Q. Do you have any understanding that class</p> <p>16 counsel represented those large ISHPs throughout</p> <p>17 the course of this litigation?</p> <p>18 A. That -- I do not believe that to be my</p> <p>19 understanding. I believe they had their own</p> <p>20 attorneys.</p> <p>21 Q. Would that change your understanding of</p> <p>22 class counsel's entitlement to some of that fee if</p>
<p style="text-align: right;">Page 63</p> <p>1 to get it to them, that's what we should do;</p> <p>2 that's what should happen.</p> <p>3 Q. Have you looked at the claim form</p> <p>4 itself?</p> <p>5 A. No, I have not.</p> <p>6 Q. So you're just saying in general it</p> <p>7 would be easier for people to get checks --</p> <p>8 A. Yes.</p> <p>9 Q. -- than to fill out a form?</p> <p>10 A. Yes. If the information is there, it</p> <p>11 should be used.</p> <p>12 MR. COCHRAN: Page 7.</p> <p>13 MS. FOUNTAIN CONNOLLY: Page 7?</p> <p>14 MR. COCHRAN: Oh, I thought that's where</p> <p>15 we were going.</p> <p>16 BY MS. FOUNTAIN CONNOLLY:</p> <p>17 Q. No. We've covered a lot of this. So I</p> <p>18 don't want to duplicate what we've talked about</p> <p>19 before already.</p> <p>20 If you turn to Page 8, in the first full</p> <p>21 paragraph it starts with, "Class counsel have</p> <p>22 requested," there's a sentence there that starts</p>	<p style="text-align: right;">Page 65</p> <p>1 you knew that class counsel had represented some</p> <p>2 of these ISHPs throughout the course of the</p> <p>3 litigation?</p> <p>4 A. I would have to discuss that with my</p> <p>5 attorneys.</p> <p>6 MR. COCHRAN: Couldn't that be a</p> <p>7 conflict of interest?</p> <p>8 MS. FOUNTAIN CONNOLLY: I don't think</p> <p>9 I'm the one under examination here.</p> <p>10 MR. COCHRAN: No. I'm just saying your</p> <p>11 suggestion that you're representing the class and</p> <p>12 at the same time you're representing the ISHPs,</p> <p>13 that suggested that in the question to the</p> <p>14 witness. I'm saying, how could that be? Wouldn't</p> <p>15 that be a conflict of interest since they're</p> <p>16 fighting against each other for the same fund?</p> <p>17 MS. FOUNTAIN CONNOLLY: The question was</p> <p>18 throughout the course of the litigation, not</p> <p>19 during the allocation process.</p> <p>20 MR. COCHRAN: Well, in the course of the</p> <p>21 litigation, wouldn't that still be a conflict of</p> <p>22 interest?</p>